



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,136	08/22/2000	Ioana M. Danciu	07844-423001/P387	9363

21876 7590 05/21/2003

FISH & RICHARDSON P.C.  
500 ARGUELLO STREET  
SUITE 500  
REDWOOD CITY, CA 94063

EXAMINER

HARRISON, CHANTE E

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/644,136

**Applicant(s)**

DANCIU, IOANA M.

**Examiner**

Chante Harrison

**Art Unit**

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment A, filed on 2/24/03.
2. Claims 1-18 are pending in the case. Claims 1, 8-9 and 18 are independent claims. Claims 1-3, 8-9, 17-18 have been amended.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Luisa Simone "Web Graphics Software Packages: Software Review: Evaluation" PC Magazine, v17, n19, pp. 197, 11/998.

As per independent claims 1 and 8, Simone discloses receiving a source color image having colors within a source color gamut (pp. 8, Para 3), receiving a plurality of rendering intents (pp. 24, Para 1), each rendering intent defines a mapping of colors from the source color gamut to a destination color gamut (pp. 23, Para 2), generating a plurality of rendered images (pp. 8, Para 3) "...display...up to four variations..." by rendering the source image using the received plurality of rendering intents (pp. 22,

Para 1) "FILE PREVIEW...find the best combination...change...the color palette...", receiving input selecting a contrast mode (pp. 22, Para 1) "...you can change...settings for each preview", contrasting the rendered images by simultaneously previewing the rendered images according to the selected contrast mode (pp. 8, Para 3) "... preview with up to four variations of a file.", and selecting a rendering intent by receiving from a user a selected contrasted rendered image from the simultaneously previewed images (pp. 8, Para 3) "a perfect optimization setting, you can save it".

As per dependent claim 2, Simone discloses the rendered images are contrasted by simultaneously previewing them as a plurality of rendered images (pp. 8, Para 3).

As per dependent claim 3, Simone discloses the rendered images are contrasted by simultaneously previewing them as a plurality of rendered differences (pp. 8, Para 3-4) "...performs...color reductions...offers...dither control...".

As per dependent claim 4, Simone discloses the plurality of received rendering intents comprises all known rendering intents (pp. 8, Para 4).

As per dependent claim 5, Simone discloses the plurality of received rendering intents comprises a subset of all known rendering intents (pp. 22, Para 1; pp. 24, Para 1).

Art Unit: 2672

As per dependent claim 6, Simone discloses simultaneously displaying them on a monitor (pp. 22, Para 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10, 12-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luisa Simone "Web Graphics Software Packages: Software Review: Evaluation" PC Magazine, v17, n19, pp. 197, 11/998.

As per independent claims 9 and 18, Simone discloses simultaneously previewing a plurality of difference images, wherein each difference image represents a difference between one of the plurality of rendered images and a reference image and selecting a rendering intent by receiving from a user a selected difference image from the plurality of simultaneously previewed difference images. It would have been obvious to one of skill in the art to include simultaneously previewing a plurality of difference images, wherein each difference image represents a difference between one of the plurality of rendered images and a reference image in the disclosure of Simone because Simone teaches editing a file by dithering control and simultaneously previewing multiple variations of a file (pp. 8, Para 3-4), with the ability for each preview to have its own settings and formats (pp. 24, Para 1), which would enable the simultaneous display of a plurality of difference images. Additionally, it would have

Art Unit: 2672

been obvious to one of skill in the art to include selecting a rendering intent by receiving from a user a selected difference image from the plurality of simultaneously previewed difference images because Simone teaches simultaneously displaying image multiple variations (pp. 8, Para 3), which includes dithering control (pp. 8, Para 4) and selectively set parameters (pp. 24, Para 1), wherein a desired displayed optimization can be selected and saved (pp. 8, Para 3).

As per dependent claim 10, Simone discloses simultaneously displaying them on a monitor (pp. 22, Para 1).

As per dependent claim 12, Simone fails to disclose the reference image is another rendered image. It would have been obvious to one of skill in the art to include the reference image as another image in the disclosure of Simone because Simone teaches both importing files and saving optimized files and previewing variations of the file on a split-screen (pp. 8, Para 3).

As per dependent claim 13, Simone discloses the reference image is the source color image (pp. 8, Para 3).

5. Claims 7, 11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luisa Simone "Web Graphics Software Packages: Software Review: Evaluation" PC Magazine, v17, n19, pp. 197, 11/998 and further in view of Michael Magee, U.S. Patent 5,231,504, 7/1993.

As per dependent claims 7 and 11, Simone discloses simultaneously previewing a plurality of rendered images (pp. 8, Para 3), but fails to disclose printing them on a single sheet of paper, which Magee discloses (abstract). It would have been obvious to one of skill in the art to include printing on paper in the disclosure of Simone because Simone teaches matching colors on a display for output to a client computer (pp. 8, Para 6; pp. 13, Para 3) and providing dither control (pp. 8, Para 4), to approximate color between devices.

As per dependent claim 14, Simone fails to disclose a difference image is obtained by subtracting the reference image from a rendered image, which Magee discloses (col. 1, ll. 10-15). It would have been obvious to one of skill in the art to include obtaining a difference image by subtracting the reference image from a rendered image in the disclosure of Simone because Simone teaches (pp. 8, Para 3-4) "...offers...dither control...", to approximate color (pp. 22, Para 1).

As per dependent claim 15, Simone fails to disclose a difference image is obtained by calculating the least squares difference between a rendered image and the



Art Unit: 2672

reference image, which Magee discloses (col. 2-3, ll. 62-15). It would have been obvious to one of skill in the art to include obtaining a difference image by calculating the least squares difference between a rendered image and the reference image in the disclosure of Simone because Simone teaches providing dither control (pp. 8, Para 3-4) to approximate color changes to find the best optimization (pp. 22, Para 1).

As per dependent claim 16, Simone fails to disclose a difference image is obtained by representing the differences between a rendered image and the reference image as a topographical map, which Magee discloses (col. 17, ll. 15-40). It would have been obvious to one of skill in the art to include obtaining a difference image by representing the differences between a rendered image and the reference image as a topographical map in the disclosure of Simone because Simone teaches providing and specifying dithering control (pp. 8, Para 4; pp. 24, Para 2), to ensure consistent images (pp. 23, ll. Para 2).

As per dependent claim 17, Simone fails to disclose the contours of the topographical map are represented as colors, which Magee discloses (col. 17, ll. 15-40). It would have been obvious to one of skill in the art to include representing the contours of the topographical map as colors in the disclosure of Simone because Simone teaches providing and specifying dithering control (pp. 8, Para 4; pp. 24, Para 2), to ensure consistent images (pp. 23, ll. Para 2).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chante Harrison whose telephone number is (703) 305-3937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ceh

May 16, 2003

